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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,643	09/19/2003	Jeffrey J. Young	81230.96US1	6110
34018	7590	12/28/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			YACOB, SISAY	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,643	YOUNG, JEFFREY J.	
	Examiner	Art Unit	
	Sisay Yacob	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1 The application of Young "System and method for measuring and presenting memory size of a universal remote control" filed on September 19, 2003 been examined.

Claims 1- 26 are pending

Claim Rejections - 35 USC § 102

2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3 Claims 1-2 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent of Darbee (6,933,833).

4 As to claims 1 and 13, Darbee discloses a method for presenting a readable medium having instructions for presenting a size of a writeable memory within a universal remote control (Col. 13, lines 65-67; Col. 14, lines 1-5; See figure 18A), the method performing steps comprising invoking a diagnostic routine within the universal remote control which measures a size of the writeable memory (Col. 17, lines 66-67;

Col. 18, lines 1-12), and causing the universal remote control to present an indication of the measured size (Steps 6 and 7 of figure 18A).

5 As to claims 2 and 14, the method as recited in claims 1 and 13, further, Darbee discloses the indication is presented by causing an LED of the universal remote control to blink (Col. 17, lines 66-67; Col. 18, line 1; Steps 6 and 7 of figure 18A).

Rejections - 35 USC § 103

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7 Claims 3-4 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee.

8 As to claims 3 and 15, the method as recited in claims 2 and 14, however, Darbee does not expressly disclose the LED is blinked one of a predetermined number of times each being correlated to a different measurable memory size.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Darbee, in order to have the LED is blinked one of a predetermined number of times each being correlated to a different measurable memory size, because Darbee discloses the LED blinking to indicate when the memory is full (Steps 6 and 7 of figure 18A) and one of ordinary skill in the art recognizes the LED may be arranged to blink any of a predetermined number of times or ways each being correlated to a different measurable memory size.

9 As to claims 4 and 16, the method as recited in claims 2 and 14, however, Darbee does not expressly disclose the LED is blinked in at least one group of blinks, the group of blinks corresponding to one or more digits representative of measured memory size.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Darbee, in order to have the LED blinked

in at least one group of blinks, the group of blinks corresponding to one or more digits representative of measured memory size, because Darbee discloses the LED blinking at least one group of blinks, the group of blinks corresponding to full memory (Steps 6 and 7 of figure 18A) and one of ordinary skill in the art recognizes the LED may be arranged to blink any of a predetermined number of group of blinks, the group of blinks corresponding to one or more digits representative of measured memory size.

10 Claims 5-12 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee in view of US publication of Mulla et al. (20020162891).

11 As to claims 5 and 17, the readable medium and method as recited in claims 1 and 13, however, Darbee does not expressly disclose the indication is presented by causing a speaker of the universal remote control to emit a sound. In filed of a writeable medium, Mulla et al., discloses an audible device to indicate to the user available memory (Page 4, Par. 0057, lines 13-16).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Darbee, by incorporating the sound indication for available memory size of Mulla et al., in order to have an indication that is presented by causing a speaker of the universal remote control to emit a sound, because Darbee discloses a remote control that has an indication of the status of the

readable memory and Mulla et al., discloses an audible sound that indicate the status of the readable memory.

12 As to claims 6 and 18, the readable medium and method as recited in claims 5 and 17, further, Mulla et al., the speaker is caused to emit the sound one of a predetermined number of times each being correlated to a different measurable memory size (Page 4, Par. 0057, lines 17-18).

13 As to claims 7 and 19, the readable medium and method as recited in claims 5 and 17, the speaker emits at least one group of sounds, the group of sounds corresponding to one or more digits representative of measured memory size.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Darbee, by incorporating the sound indication for available memory size of Mulla et al., in order to have a speaker emits at least one group of sounds, the group of sounds corresponding to one or more digits representative of measured memory size, because Mulla et al., discloses different audible tones and sound sequences may be used indication of the status of the readable memory and one of ordinary skill in the art recognizes that the speaker may be arranged to emit at least one group of sounds, the group of sounds corresponding to one or more digits representative of measured memory size.

14 As to claims 8 and 20, the readable medium and method as recited in claims 1 and 13, further, Mulla et al., discloses the measured memory size is displayed in an alphanumeric display of the universal remote control (Page 4, Par. 0057, lines 18-21).

15 As to claims 9 and 21, the readable medium and method as recited in claims 8 and 20, further, Mulla et al., discloses the alphanumeric display comprises a touch screen display (Page 2, Par. 0016, lines 1-3).

16 As to claims 10 and 22, the readable medium and method as recited in claims 1 and 13, further, Darbee discloses the memory size measured is an overall size of the writeable memory (Col. 13, lines 65-67; Col. 14, lines 1-5; Col. 22, lines 3-13; See figure 18A).

17 As to claims 11 and 23, the readable medium and method as recited in claims 1 and 13, further, Mulla et al., discloses the memory size measured is an amount of available memory in the writeable memory (Page 4, Par. 0057, lines 17-18).

18 As to claims 12 and 24, the readable medium and method as recited in claims 1 and 13, further, Darbee discloses the diagnostic routine is automatically invoked in response to a request to download data into the writeable memory (Col. 21, lines 4-13; Col. 22, lines 3-13; See figure 18A).

19 As to claims 25 and 26, the readable medium and method as recited in claims 5 and 17, however, the combination of Darbee and Mulla et al., does not expressly disclose the sound comprises a voice.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Darbee and Mulla et al., by incorporating a voice to indication for available memory size, in order to have the indication that is presented by causing a speaker of the universal remote control to emit a sound to comprises a voice, because Mulla et al., discloses different audible tones and sound sequences may be used indication of the status of the readable memory and one of ordinary skill in the art recognizes that the speaker may be arranged to emit a voice as one of the audible sounds.

Conclusion

21 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following cited arts are further to show the state of art related to keypad for an electronic device.

In the US patent of (6,611,693) discloses memory allocation for a multi-service mobile device.

In the US publication of (20020077155) discloses a method for efficiently using a memory area.

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22 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sisay Yacob

12/27/2005

S. Y.


BRIAN ZIMMERMAN
PRIMARY EXAMINER